

U.S. Patent Application No. 09/905,156  
Amendment dated September 24, 2003  
Reply to Office Action of March 24, 2003

### REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims are fully supported by the present application. Claims 24 and 25 have been made dependent on allowed claim 26. Furthermore, claim 25 contains similar language to claim 26. Claims 27-36 have been canceled by way of this amendment. New claims 37 and 38 are added. Accordingly, claims 2-26, 37 and 38 are pending. The amendment does not raise any new questions of patentability, nor does it necessitate any need for further searching. In addition, the amendment places the application in condition for allowance, or at the very least, in a better condition for appeal. Accordingly, since no questions of new matter should arise and in view of the other reasons set forth above, this amendment should be entered.

At page 2 of the Office Action, the Examiner, rejects claims 27-36 under 35 U.S.C. §112, first paragraph. The Examiner asserts that the subject matter set forth in these claims is not described in the present application. The Examiner believes that the support for the additional limitations that were added to claim 27 is not apparent and the Examiner also believes that the claim should read y is 0 to 3. Finally, the Examiner asserts that the support for the sub-genera of hydroxyalkanoates recited in claims 28-36 is not apparent. For the following reasons, this rejection is respectfully traversed.

With respect to the issues of support for these claims, these claims are supported in the present application. However, due to their cancellation, this rejection is moot. The applicants most likely will pursue the subject matter in a subsequent continuation or a divisional application.

At page 3 of the Office Action, the Examiner rejects claim 24 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Marans. The

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Examiner relies upon the same reasons as in the first Office Action. The Examiner does indicate that the method claims were not amended in the same manner as the limitations found in claim 26. For the following reasons, this rejection is respectfully traversed.

As stated above, claim 24 now includes the language of claim 26. Accordingly, this rejection should be withdrawn.

The Examiner then rejects claims 24 and 25 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Koleske. The Examiner relies upon the same arguments as set forth in the first Office Action. The Examiner again states that the method claims were not amended to include the same limitations as in present claim 26. For the following reasons, this rejection is respectfully traversed.

Claim 24 is now dependent on claim 26. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

The Examiner then rejects claims 24 and 25 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over any Neuenschwander. The Examiner relies on the same arguments as in the first Office Action. Again, the Examiner indicates that if the claim contained the same claim language as in claim 26, this rejection would be withdrawn. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

At the bottom of page 3 and continuing on to page 4 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Yamaguchi. The Examiner relies upon the same arguments as in the first Office Action. The Examiner indicates that this rejection would be withdrawn if the

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same claim language was used in this claim as in claim 26. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) or (e) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over WO'510 or Kim. The Examiner relies on the same arguments as in the first Office Action. Again, the Examiner indicates that this rejection would be overcome if claims 24 and 25 had the same claim language as claim 26. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

Finally, the Examiner rejects claims 24 and 25 under 35 U.S.C. §102(b) or (e) as anticipated by or in the alternative, under 35 U.S.C. §103(a) as over each of WO'527 and Lee. The Examiner relies upon the same arguments as in the first Office Action. Again, the Examiner indicates that this rejection would be withdrawn if claims 24 and 25 used the same claim language as claim 26. For the following reasons, the rejection is respectfully traversed.

As indicated above, claim 24 is now dependent on claim 26 and recites the same language. Claim 25 is dependent on claim 24. Accordingly, this rejection should be withdrawn.

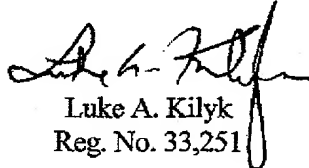
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**CONCLUSION**

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

  
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